



TOWNSHIP OF GALLOWAY
DEPARTMENT OF COMMUNITY DEVELOPMENT
PLANNING BOARD ZONING BOARD OF ADJUSTMENT

300 E. JIMMIE LEEDS ROAD, GALLOWAY, NJ 08205
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Tiffany A. CuvIELLO, PP, AICP
PLANNER

ORDINANCE 1913-2015

MEETING DATE: June 23, 2015 (Introduction); July 14, 2015 (Public Hearing)

AGENDA ITEM COMMENTARY

TITLE: AN ORDINANCE AMENDING CHAPTER 233, LAND MANAGEMENT, OF THE CODE OF THE TOWNSHIP OF GALLOWAY CLARIFYING STANDARDS RELATED TO NONCONFORMING LOTS AND STRUCTURES, REQUIRED SETBACKS AND ACCESSORY STRUCTURES

STAFF SOURCE: Tiffany A. CuvIELLO, PP, AICP, Township Planner

DISCUSSION: The purpose of this Ordinance is to amend Chapter 233, Land Management, of the Code of the Township of Galloway to clarify standards related to nonconforming lots from an ordinance adopted in 2013. The ordinance also provides clarification for setbacks in approved Planned Unit Developments of Smithville and Blue Heron Pines as well as addressing reduced setbacks for storage sheds and accessory structures on undersized lots. The ordinance also clarifies lot and site coverage in the R5 zone when mandatory clustering is provided pursuant to the Pinelands Comprehensive Management Plan.

After Introduction of the Ordinance, a copy should be referred to the Planning Board for recommendation in accordance with the requirements of N.J.S.A. 40:55D-64.

EXHIBITS: A copy of the ordinance.

RECOMMENDATIONS: Adopt the Ordinance.

ORDINANCE # 1913 OF 2015

AN ORDINANCE AMENDING CHAPTER 233, LAND MANAGEMENT, OF THE CODE OF THE TOWNSHIP OF GALLOWAY CLARIFYING STANDARDS RELATED TO NONCONFORMING LOTS AND STRUCTURES, REQUIRED SETBACKS AND ACCESSORY STRUCTURES

WHEREAS, the purpose of this Ordinance is to amend Chapter 233, Land Management, of the Code of the Township of Galloway to clarify in part, amend in part and update areas related to non-conforming uses and development, accessory structures and setbacks and clarification to recently enacted ordinances relating to the R5 cluster for building and site coverage standards; and

WHEREAS, the Galloway Township Planning Board adopted a Master Plan Reexamination Report and Update on March 22, 2007 and in April 5, 2012 recommending various clarifications and updates to the Land Management Ordinance; and

WHEREAS, the Township Council referred this ordinance for recommendation to the Planning Board in accordance with the requirements of N.J.S.A. 40:55D-64. The Planning Board found that the proposed ordinance is consistent with the adopted Master Plan and made a favorable recommendation supporting the ordinance amendments at their July 2, 2015 meeting.

NOW THEREFORE, BE IT ORDAINED by the Governing Body for the Township of Galloway, County of Atlantic and State of New Jersey, that Chapter 233, Land Management is hereby amended as follows (underline signifies additions and strikethrough signifies deletion):

SECTION I. AMEND Section 233-7.B(3) as follows:

In the case of a corner lot in a residential district or for a residential use, the front yard setback for a secondary front yard may be decreased a distance of 25% of the required front yard setback with the following exceptions:

SECTION II. AMEND Section 233-5.B(3) to add a new item (c) as follows:

(c) In any zoning district which permits single-family residential dwelling units, a single-family dwelling unit on an undersized lot which shall be more than 50% damaged by reason if windstorm, fire, explosion or other act of God or man shall be permitted to be reconstructed provided the reconstruction conforms to the setbacks that existed or the minimum required setbacks of the zoning district which the property is located.

SECTION III. AMEND Section 233-15.1 Single-family as a conditional use:

C. The reconstruction or repair of the single-family structure must maintain the minimum setbacks of the original building if they are non-conforming to the zoning standards. ~~and may not increase the size of the structure from what existed prior to being determined completely destroyed.~~

E. The footprint size of the single-family dwelling unit shall not be increased by more than 10% without approval from the Zoning Board of Adjustments.

SECTION IV. AMEND Section 233-80.1D(2) to include the following:

- f. Maximum Building Coverage: 25%
- g. Maximum Accessory Building Coverage: 5%
- h. Maximum Site Coverage: 40%

SECTION V. AMEND Section 233-7. Yard, area and height requirements to include subsection H and I as follows:

New Section 233-7.H. Smithville Planned Unit Development Residential

- (1) Side Yard – 5 feet
- (2) Rear Yard – 15 feet
- (3) Age Restricted Parcels – Rear yard setback of 10 feet on lots which abut open space or common easements for a three season patio room as defined herein.

New Section 233-7.I. Blue Heron Pines PIRD Single-family Residential

- (1) Rear Yard Setback – 3 feet.
- (2) Side Yard Setback – 6-feet.
- (3) A minimum building separation of 17-feet shall be maintained regardless of the permitted rear or side yard setback.

SECTION VI. Relocate Existing Section 233-5.B(7) to 233-7.J as follows:

New Section 233-7.J. Residential Development R5 District.

- (1) Any existing developed residential lot located on Robin Lane, Harvard Terrace, Rutgers Court and Lisa Drive in the R5 Zoning District may be expanded as an existing single-family dwelling unit by way of an addition or permitted accessory structure without a hearing before the Zoning Board of Adjustment if the expansion conforms with the following requirements:
 - (a) Minimum front yard setback: 50 feet.
 - (b) Minimum side yard setback: 15 feet.
 - (c) Minimum rear yard setback: 30 feet.
 - (d) Maximum lot coverage: 30%.
 - (e) Accessory structures shall be governed by § 233-8 of this chapter.
 - (f) This shall not apply to any new residential development on a vacant or subdivided lot located on Robin Lane, Harvard Terrace, Rutgers Court and Lisa Drive.

- (g) The expansion of buildings or structures which do not meet these criteria shall require an application for variance relief before the Zoning Board of Adjustment.

SECTION VII. Amend Section 233-8. Accessory structures and uses as follows:

New Subsection 233-8.F.(3) Undersized lots.

- (3) In the NR and RC districts where an existing single-family dwelling unit is located on an undersized lot of less than one acre and greater than 7,500 square feet the setbacks for accessory structures may be reduced as follows:
- (a) Storage sheds of 100 square feet or less in size may be located 3-feet from a side or rear property line.
- (b) Accessory structures (except farm structures – See Section 233-8E(8) above) greater than 100 square feet in size not exceeding 200 square feet in size may be located 5-feet from a side or rear property line.
- (c) All other accessory structures (except farm structures - See Section 233-8E(8) above) over 200 square feet in size shall maintain a 15-foot side and rear yard setback.
- (d) Pools shall be 10-feet from the side or rear property line.
- (e) Accessory structures shall not be located in a front yard.

Replace Subsection 233-8.G. Space, bulk, area and yard requirements in the Pinelands Area as follows:

(2) In the VR and TR Zoning Districts

- (a) Accessory structures (except farm structures- See Section 233-8E(8) above) not exceeding 200 square feet in size may be located 5-feet from a side or rear property line and 15-feet from a property line when the property line is coexistent with a street line for corner lots.
- (b) All other accessory structures (except farm structures - See Section 233-8E(8) above) over 200 square feet in size shall maintain a 15-foot side and rear yard setback.
- (c) Pools shall be 10-feet from the side or rear property line and 15-feet from a property line when the property line is coexistent with a street line for corner lots.
- (d) Accessory structures shall not be located in a front yard.
- (3) In all other residential and agricultural districts accessory structures must maintain a fifteen-foot rear and side yard setback from the property lines for interior lots and thirty-feet from a property line when the property line is coexistence with a street line for corner lots. No accessory structure may be located in the front yard with the

exception of gazebos, which may be located in the front yard where the required front yard setback is 200-feet.

Renumber existing item (3) as (4)

NOW THEREFORE, BE IT FURTHER ORDAINED by the Governing Body for the Township of Galloway, County of Atlantic and State of New Jersey, that a certified copy of this ordinance is forwarded to the Pinelands Commission for certification.

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed the first reading at a meeting of the Township Council of the Township of Galloway, County of Atlantic and State of New Jersey, held on June 23, 2015, and said Ordinance will be further considered for final passage and adoption at a public hearing to be held at the Municipal Complex located at 300 East Jim Leeds Road, Galloway, New Jersey 08205, July 14, 2015, at 6:30 p.m. or as soon thereafter as the matter may be reached.

BY ORDER OF THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF GALLOWAY

Kelli Danieli
Acting Township Clerk

Recorded Vote:	MOTIONS	AYE	NAY	ABSTAIN	ABSENT
Coppola					
Gargione					
Gorman					
Maldonado					
Meadows					
Tyrrell					
Purdy					